

**IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

<i>In re:</i>	*	
	*	
IVONE WEBER	*	BANKRUPTCY NO. 13-14510
	*	
Debtor	*	CHAPTER 13
	*	

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IVONE WEBER	*	
	*	
Plaintiff	*	
	*	ADV. PRO NO. 13-1299
vs.	*	
	*	
DEUTSCHE BANK NATIONAL TRUST	*	
COMPANY as TRUSTEE OF THE HOME	*	
EQUITY MORTGAGE LOAN	*	
ASSET-BACKED TRUST, SERIES *	*	
INDS 2006-A c/o OCWEN LOAN	*	
SERVICING, LLC	*	
	*	
Defendant	*	

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**ORDER DETERMINING VALIDITY, PRIORITY OR EXTENT OF DEUTSCHE BANK  
NATIONAL TRUST COMPANY**

This matter came before the Court on Ivone Weber's (herein, "Plaintiff") Complaint against Deutsche Bank National Trust Company as Trustee of the Home Equity Mortgage Loan Asset-Backed Trust, Series INDS 2006-A (herein, "Defendant") to Determine Validity, Priority or Extent of Lien that arises from Defendant's second Deed of Trust against the Plaintiff's residence, which is held fee simple.

Defendant is in default, not having filed a response to the Complaint; this Court concludes: The Plaintiffs filed a voluntary petition in this Court on October 2, 2013. This Chapter 13 plan was confirmed on January 7, 2014. The Plan provides payment of the Chapter 13 Trustee of \$450.00 per month for 1 month, and \$621.50 for 59 months, for a total of 60 months. The plan proposes to pay the arrears to the first deed of trust in the approximate amount of \$ 20,778.69.

The schedules list Defendant as holding a secured interest, of approximately \$120,000.00, in the Plaintiff's principal residence known as 5505 Seminary Rd, Apt 1919N, Falls Church VA 22041, more particularly described as:

Condominium Unit 1919N in the SKYLINE SQUARE CONDOMINIUM in accordance with the Declaration and Plat attached thereto, duly recorded in Deed Book 5630 at Page 536, et seq., among the Land Records of Fairfax County, Virginia, and further shown in Exhibits attached hereto, all of which are hereinafter referred to collectively as the "Declaration"

The Schedules reflect that 5505 Seminary Rd, Apt 1919N, Falls Church VA 22041 is the Plaintiff's principal residence. The property has been appraised at \$225,000.00. The first deed of trust holder is owed approximately \$ 243,214.31. The amount owed on the first deed of trust substantially exceeds the appraised value of the property.

The present action is brought under § 506, Bankruptcy Code, which has the effect of voiding a lien that it is not a secured claim. Under § 506, Bankruptcy Code, a claim is secured to the extent of the value of the collateral and is otherwise an unsecured claim. The complaint and the summons were timely served on the Defendant.

**ADJUGED, ORDERED AND DECREED:**

1. Declaring that Defendant does not hold a secured claim for the second deed of trust, and;
2. Unless the bankruptcy case of Plaintiff commenced on October 2, 2013 is hereafter dismissed, the lien of the certain deed of trust from Plaintiff to Defendant, shall be and hereby is declared void as it affects the real estate owned by the Plaintiff, located at 5505 Seminary Rd, Apt 1919N, Falls Church VA 22041.
3. That Defendant shall release its recorded deed of trust against Plaintiff's real property within 30 days of the Plaintiffs' Notice of Completion of Chapter 13 Plan and/or Discharge of Debtor.
4. The Clerk will mail a copy of this Judgment to the parties listed below, and to all necessary parties.

Date: Jan 8 2014

/s/ Robert G. Mayer

Hon. Robert G. Mayer  
United States Bankruptcy Judge

Entered on Docket: 1/10/2014 sas

I ask for this:

**/s/ Jeremy C. Huang**

Jeremy C. Huang, VSB No. 76861  
8201 Greensboro Dr., Suite 300  
McLean, VA 22102  
703-755-0214 / [jeremy@huanglawoffice.com](mailto:jeremy@huanglawoffice.com)

**Local Rule 9022-1(C) Certification**

The foregoing Order was endorsed by and/or served upon all necessary parties pursuant to Local Rule 9022-1(C).

**/s/ Jeremy C. Huang**  
Jeremy C. Huang

**PARTIES TO RECEIVE COPIES**

Thomas Gorman  
Chapter 13 Trustee  
300 N. Washington St, Suite 400  
Alexandria, VA 22314

Deutsche Bank National Trust Company  
c/o Eric Smith  
300 South Grande Ave  
Los Angeles, CA 90071

Ocwen Loan Servicing, LLC  
c/o Ronald Faris  
1661 Worthington Rd., # 100  
West Palm Beach, FL 33409

**END OF ORDER**

**Certificate of Notice Page 5 of 5**  
United States Bankruptcy Court  
Eastern District of Virginia

Weber,  
Plaintiff

Adv. Proc. No. 13-01299-RGM

Deutsche Bank National Trust Company as,  
Defendant

**CERTIFICATE OF NOTICE**

District/off: 0422-9

User: stewarts  
Form ID: pdford9

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Jan 10, 2014

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 12, 2014.

NO NOTICES MAILED.

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
smg +E-mail/Text: ustpreregion04.ax.ecf@usdoj.gov Jan 11 2014 02:20:29 UST smg Alexandria,  
Office of the U. S. Trustee, 115 South Union Street, Suite 210, Alexandria, VA 22314-3361  
TOTAL: 1

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*  
dft Deutsche Bank National Trust Company as trustee o  
pla Ivone Pilas Weber

TOTALS: 2, \* 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 12, 2014

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 10, 2014 at the address(es) listed below:

Jeremy Calvin Huang on behalf of Plaintiff Ivone Pilas Weber jhuang214@gmail.com

TOTAL: 1